

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOSEPH C. MCKEE,

Plaintiff,

vs.

EFEST, (Shenzhen Fest Technology Co.,
LTD), A Foreign Corporation.; and R-L
SALES, an LLC licensed and
incorporated In the State of Utah;

Defendants.

4:20CV3002

ORDER

On April 27, 2020, the undersigned magistrate judge ordered Plaintiff Joseph C. McKee to show cause why the claims against Defendant EFest (Shenzhen Fest Technology Co. LTD), should not be dismissed for want of prosecution. (Filing No. 14). Plaintiff's response indicates EFest is a corporation based in China and the Hague Service Convention Article 5 Process controls the manner of service upon EFest. (Filing No. 16). Plaintiff asserts service of process must be accomplished through the Chinese Ministry of Justice, and Plaintiff anticipates a delay of several months. Accordingly, Plaintiff requests an extension of the typical time for service of process under the Federal Rules of Civil Procedure.

IT IS ORDERED: For good cause shown, the case shall proceed and Plaintiff's request for additional time to serve Defendant EFest is granted. Plaintiff shall serve EFest on or before November 13, 2020. If EFest is not served within that time, the claims against EFest are subject to dismissal absent:

- 1) A showing that Plaintiff has diligently, but unsuccessfully attempted to serve EFest, and;

- 2) A motion requesting an additional continuance, specifying to the extent possible the likely amount of time needed to effectuate service.

Dated this 13th day of May, 2020.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge